



Department of Justice

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**FORMER EXECUTIVE OF ONE OF THE WORLD'S LARGEST COMMERCIAL
EXPLOSIVES COMPANIES CHARGED WITH BID RIGGING**

WASHINGTON, D.C. -- A former executive of one of the world's largest commercial explosives company--Salt Lake City-based DYNOL Nobel Inc.--was charged today with rigging bids on commercial explosives contracts sold to two companies that do business in Missouri, said the Department of Justice.

Thus far, 12 explosives manufacturers and distributors, including DYNOL Nobel Inc., have pleaded guilty to antitrust conspiracies in the Department's ongoing antitrust investigation of the explosives and ammonium nitrate industries. These violations have resulted in nearly \$40 million in fines for the industry. Commercial explosives are primarily used in the mining, construction and oil and gas industries.

Today's one-count criminal case was filed in U.S. District Court in Dallas against Donald J. Westmaas of Philadelphia. Westmaas was DYNOL Nobel's Vice President of Marketing until 1993.

The case charged that Westmaas and co-conspirators agreed to rig certain 1992 dynamite contracts to a metal mining company based in Viburnum, Missouri, The Doe Run Co., and to ASARCO Inc., which has lead mines in Missouri.

The Department charged that Westmaas and the co-conspirators determined the price levels that Doe Run and ASARCO would pay for commercial explosives, discussed and agreed that a subsidiary of another explosives company, ICI Explosives USA Inc., would submit an intentionally high bid to Doe Run, and agreed that in exchange for ICI Explosives' high bid to Doe Run, that DYN0 Nobel would submit an intentionally high bid to ASARCO. The purpose of the conspiracy was to allow the companies to submit bids that were artificially higher than they should have been.

"The Antitrust Division will vigorously prosecute anyone who undermines the Sherman Act by fixing prices or rigging bids," said Joel I. Klein, Assistant Attorney General in charge of the Department's Antitrust Division.

The charge results from an ongoing investigation of the commercial explosives industry being conducted by the Division's Litigation I Section with the assistance of the Federal Bureau of Investigation.

The maximum penalty for an individual convicted of a Sherman Act violation committed after November 16, 1990, is three years imprisonment and a fine of the greatest of \$350,000, twice the pecuniary gain the individual derived from the crime, or twice the pecuniary loss suffered by the victims of the crime.

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